

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

August 4, 2011

**5:30 P.M.**

**MINUTES**

**Present:** Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

**Absent:** Mayor Donald Kasprzak

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on July 28, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending August 3, 2011 in the amount of \$ 277,046.54 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of July 28 – August 3, 2011
- Report from the Building Inspector's Office from July 28 – August 1, 2011
- Statement of cash receipts from the Library from June 1 – June 30, 2011

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS:**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills Audited by the Common Council in the amount of \$ 473,543.49 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Jackson  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

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**6. PERSONS ADDRESSING COUNCIL: None**

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**7. OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to revise the 2011 capital project H5110.32 adding \$65,000 of funding for the snow plow that was under-stated in the 2011 capital plan and for the emergency purchase of the Mohawk portable lifts needed at the DPW garage.

By Councilor Rabideau; Seconded by Councilor Jackson  
Discussion: None  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLUTION:** Acceptance of Deed from PARC dedicating part of Arizona Avenue to the City of Plattsburgh.

**Whereas,** In the course of selling United States government property the United States mistakenly conveyed part of what was formerly and is presently known as Arizona Avenue to the purchaser of an adjoining parcel of land; and

**Whereas,** the Plattsburgh Airbase Redevelopment Corporation (PARC) has rectified the mistake and acquired title to this section of Arizona Avenue and wishes to dedicate the property to the City as a public street; and

**Whereas,** the City Engineering Department has determined the said property meets the improvement standards for acceptance as a city street and has reviewed and approved the survey description of the property; Now Therefore,

**Be it Resolved,** The Common Council of the City of Plattsburgh hereby accepts a deed from the Plattsburgh Airbase Redevelopment Corporation (PARC) which conveys and dedicates as a public

street that parcel of real property described in Schedule A to said Deed and known as part of Arizona Avenue; further

**Resolved:** the City Clerk shall file the recorded deed among the public records of the City of Plattsburgh and the City Engineer is directed to revise the official street or highway map of the City of Plattsburgh to show the dedicated property as part of Arizona Avenue, a City street.

By Councilor Case; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C. Motion to waive rule 4 for initial consideration** “Request is made from the City Chamberlain to revise five capital projects as per the attached resolutions to be included as part of this meeting’s records. These resolutions provide the authorized amounts to be financed from 2009, 2010 and 2011 capital projects for the General Fund as either Bond Anticipation Notes or Serial Bonds in September of 2011,” “Request from Jay Mitchell and Neil Fortin owners of Mickey’s Restaurant to close the portion of Riley Ave. from Margaret St. to the Railroad Tracks adjacent to their property. The railroad tracks will remain open and unobstructed. The request is for August 8<sup>th</sup> and 9<sup>th</sup> from 7am until 5 pm each day.”

By Councilor Rabideau; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to revise five capital projects as per the attached resolutions to be included as part of this meeting’s records. These resolutions provide the authorized amounts to be financed from 2009, 2010 and 2011 capital projects for the General Fund as either Bond Anticipation Notes or Serial Bonds in September of 2011.

By Councilor Rabideau; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

**RESOLVED:** In accordance with the request therefore the Common Council approves Jay Mitchell and Neil Fortin, owners of Mickey’s Restaurant, to close the portion of Riley Ave. from Margaret St.

to the Railroad Tracks adjacent to their property. The railroad tracks will remain open and unobstructed. The request is for August 8<sup>th</sup> and 9<sup>th</sup> from 7 am until 5 pm each day.

By Councilor Jackson; Seconded by Councilor Carpenter  
Discussion:

**Councilor Rabideau** said I would like to know exactly what the work is going to be at that location for the record and ask **Building Inspector Rick Perry** if he could give us the explanation.

**Building Inspector Rick Perry** said they need to place a crane on Riley Avenue to put new roof trusses and need access to roof area.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## 8. TRAVEL REQUEST:

**A. RESOLVED:** In accordance with the request therefore the Common Council approves Manager of the Municipal Lighting Department that he be authorized to attend the MEUA annual meeting from September 13 - 16, 2011 at an estimated cost of \$802.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves two Police Officers be authorized to attend the Police Juvenile Officers conference from August 29 - September 3, 2011 at an estimated cost not to exceed \$1,904.70 and will be paid out of the Asset Forfeiture Fund (Treasury).

By Councilor Carpenter; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## 9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Kevin Farrington City Engineer for permission to advertise for bids for Contract # 2011-21 "Asbestos Removal for Plattsburgh Public Library."
2. Request from Bill Treacy Manager MLD for permission to advertise for sealed bid for PMLD Bid # 2011-8-1 "Structure T882 Replacement." Bid opening date August 30, 2011 at 11:00 am.
3. Request from Mike Brodi Department of Public Works Superintendent that Section 257-11 of the City Code "Water and Sewer permits; fees" be adopted and Section 257-12B of the City Code "Fee schedule for water meters" be amended.
4. Request is made from the City Chamberlain to revise five capital projects as per the attached resolutions to be included as part of this meeting's records. These resolutions provide the authorized amounts to be financed from 2009, 2010 and 2011 capital projects for the General Fund as either Bond Anticipation Notes or Serial Bonds in September of 2011. **(Move to agenda under "Other Items" Letter C)**
5. Request from Kevin Farrington City Engineer that Contract # 2011-10 "2012 Single Axle Truck w/Snow Plow and Multi-Purpose Dump Spreader Body" be awarded to M. A. Jerry & Company for a total bid price of \$157,164.00.
6. Request from Jay Mitchell and Neil Fortin owners of Mickey's Restaurant to close the portion of Riley Ave. from Margaret St. to the Railroad Tracks adjacent to their property. The railroad tracks will remain open and unobstructed. The request is for August 8<sup>th</sup> and 9<sup>th</sup> from 7 am until 5 pm each day. **(Move to agenda under "Other Items" Letter C)**
7. Consideration of Ordinance 2011-1 "Authorization for driveway connecting two streets" (Weed Street and Boynton Avenues).

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## 10. NEW BUSINESS:

**Councilor Jackson** said I have had conversations with Rick Perry, Mike Brodi and John now that you're here; I kind of want to run some stuff by you. As a lot of you know, I walk a lot with my dog and I have noticed a proliferation of hedges growing over sidewalks. And it's gotten to the point where it is obstructing people with disabilities, its all throughout the city it is not any one particular place. But, what I would like to see happen is currently there is ordinance #233 that allows the city to remove trees that cause damage to sidewalks at the owners expense, but, what I would like to see happen is if at all possible is the ordinance that we have for snow removal has a formula for linear feet cost to the homeowner if Public Works is required to remove the snow. I'd like to the same type of thing where I would like to start a program its kind of late this year, but, where a survey is done at the beginning of the summer. A letter goes out requesting that the property owner take care of it by date specific say August 1<sup>st</sup> and if they don't take care of it by August 1<sup>st</sup> then it will be taken care of by Public Works Department at a cost based on linear foot because it's getting out of control. If you walk at all through this city on a regular basis you can see it everywhere and I wanted to know what everybody else thoughts on this topic would be. If there is any support for what I'm

talking about because I've talked to Mike and Rick and they want to work together on the language of it. I don't know if there is any problem with what I'm suggesting. I'm not looking for a vote do other people share the concern that I have.

**Councilor Case** said yes.

**Councilor Carpenter** said I do but I walk around and when I come upon properties that have problems for what ever reason not just hedges. What I do is I call Rick and he has been pretty good about getting it taken care of. I have no problem putting an ordinance in to make sure that it's done. The way it's been happening now is its complaint driven. So what you are suggesting I think is that we have someone go around at the beginning of the year checking the properties and then were not waiting for a complaint.

**Councilor Jackson** said we become proactive. The other thing that happens is if they haven't trimmed their hedges back then their excuse for not shoveling their sidewalk is I can't get to my sidewalk my hedge is in the way. So it becomes not only a summer problem but then it becomes a winter problem. If we clear the access or the ability of access then there is no excuse for not shoveling your sidewalks.

**Councilor Carpenter** said well the reason we want them shoveled is so people can use them. And with the hedges I can think of 4 or 5 places off the top of my head right now that you can't walk on the sidewalk you have to walk on the grass and it kind of defeats the purpose of keeping the sidewalks there. I would have no problem with it, Chris; I would even second it if you wanted to do something like that.

**Councilor Jackson** said I talked to Mike and Rick they are going to craft the language. They are going to basically have the wording of the language written and basically how the charge would be calculated for the property owner. I think Mike will end up doing is coming up with a price per square foot and will add that in to the current code 233.

**Corporation Counsel John Clute** said it's a good idea that people have a clear idea of what the financial liability is if they don't take care of the problem themselves.

**Councilor Jackson** said also what I'm proposing is if a survey's done in May or June then a letter goes out it says by August 1<sup>st</sup>. It gives people plenty of time to react and then if they choose not to react then will come in.

**Councilor Carpenter** said I do have one small critique. This property I know that has hedge overgrown on the sidewalk through a chain link fence. That would actually be pretty quick to go in their with a hedge trimmer and trim it up. There's another property that I know of that there's no chain link and it's a really overgrown hedge and it would take a lot longer to clean it up because its much bigger and overgrown so the linear footage on those two properties would take our workers longer to do one then it would the other.

**Councilor Jackson** said I'm going to leave Mike to calculate that it's his people it's their time. I agree with you some will be more complicated then others. We will let Mike be the one to calculate that. I just wanted to bring it up and let people know what my thoughts were on it and hopefully we'll have this on the books and be ready to go for next year. Like I said it's awfully late now, but, Mike has his summer crew on and it's a good time if he's got extra staff on to knock this stuff out.

**Councilor Tiffer** said I just want to make two points. I'm glad that you said that you want to be proactive because we have a snow removal ordinance and you can just drive by a week after a snow storm and see how ineffective that is. So being proactive going after these property owners that are being neglectful that are just not taking the time to take care of their property is important. I also think that if we're going to access a fee it needs to be something that makes people want to clean up their yards. It has to be stiff enough to make people do it. I'm in agreement with you.

**Councilor Jackson** said hopefully we'll get this taken care of fairly quickly.

**Councilor Calnon** said I have one item I just want to bring up. Over the last week we got some information about the 4 remaining properties that are possible tax foreclosures just wanted to be sure that even though we have had a discussion about this if there was anything anyone wanted to bring up or discuss at this point.

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**11. CLOSING PUBLIC COMMENTS: None**

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer  
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson  
(All voted in the affirmative)

**MEETING ADJOURNED: 5:46 pm**